

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CYRIL B. KORTE, JANE E. KORTE,  
and KORTE & LUITJOHAN  
CONTRACTORS, INC.,

Plaintiffs,

v.

CASE NO. 3:12-CV-01072-MJR-PMF

UNITED STATES DEPARTMENT  
OF HEALTH AND HUMAN  
SERVICES; SYLVIA M. BURWELL,  
in her official capacity as the Secretary of  
the United States Department of Health and  
Human Services; UNITED STATES  
DEPARTMENT OF THE TREASURY;  
JACOB J. LEW, in his official capacity as the  
Secretary of the United States Department of  
the Treasury; UNITED STATES  
DEPARTMENT OF LABOR;  
and THOMAS E. PEREZ, in his official  
capacity as Secretary of the United States  
Department of Labor,

Defendants.

/

**JOINT MOTION FOR ENTRY OF PERMANENT INJUNCTION AND JUDGMENT**

Subsequent to Plaintiffs' filing of their renewed motion for summary judgment on Count I (RFRA), docket entry 83, the parties have conferred and have agreed to language for a permanent injunction and final judgment and request that this Court grant this motion and enter the proposed order submitted with this motion. Separately, and as result of the agreement, Plaintiffs have filed a notice withdrawing their renewed motion for summary judgment.

In light of the Supreme Court's decision in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), the parties jointly agree that judgment should be entered in favor of Plaintiffs on their Religious Freedom Restoration Act claim, that a permanent injunction should be entered,

that all other claims against Defendants should be dismissed, and that the parties have sixty days after the entry of judgment in which to confer to resolve the issue of Plaintiffs' attorneys' fees, costs, and expenses, and if no resolution is reached, then Plaintiffs may file an application for their attorneys' fees, costs, and expenses within that sixty day time frame.

Accordingly, the parties respectfully request that this Court enter the proposed Injunction and Judgment, which has been agreed to by all parties and has been submitted along with this filing.

Respectfully submitted on this 4th day of November, 2014,

COUNSEL FOR PLAINTIFFS

/s/ Edward L. White III  
EDWARD L. WHITE III\*  
American Center for Law & Justice  
3001 Plymouth Rd., Suite 203  
Ann Arbor, MI 48105  
Tel: 734-680-8007; Fax: 734-680-8006  
ewhite@aclj.org

FRANCIS J. MANION\*  
GEOFFREY R. SURTEES\*  
American Center for Law & Justice  
6375 New Hope Road  
New Hope, Kentucky 40052  
Tel: 502-549-7020; Fax: 502-549-5252  
fmanion@aclj.org  
gsurtees@aclj.org

\* Admitted to S.D. Ill. Bar

COUNSEL FOR DEFENDANTS

JOYCE R. BRANDA  
Acting Assistant Attorney General

JENNIFER RICKETTS  
Director

SHEILA M. LIEBER  
Deputy Director

/s/ Bradley P. Humphreys  
BRADLEY P. HUMPHREYS  
(VA Bar No. 83212)  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue N.W.  
Room 7108  
Washington, D.C. 20530  
Tel: 202-514-3367; Fax: 202-616-8470  
bradley.p.humphreys@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on November 4, 2014, I filed a true and correct copy of the foregoing with this Court through the Court's CM/ECF system, through which counsel who are registered users will receive notice of the filing and may obtain a copy, including Defendants' counsel, Bradley P. Humphreys, United States Department of Justice, Civil Division, Federal Programs Branch, 20 Massachusetts Avenue, N.W., Room 7219, Washington, D.C. 20530.

/s/ Edward L. White III

Edward L. White III  
American Center for Law & Justice  
3001 Plymouth Road, Suite 203  
Ann Arbor, Michigan 48105  
734-680-8007; Fax. 734-680-8006  
ewhite@aclj.org